

W. O. Read, each in his representative capacity as commissioner, under appointment of the commissioners court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such in consummating such sales, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, February 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 165, A bill to be entitled "An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, and as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three miles limit and condemnation proceedings and providing for the right of way; also to authorize all corporations using said structure to buy the bonds issued by the county and to lease right of easement of user of portion of said structure from such county on terms agreed on with the county commissioners court, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

#### TWENTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, February 13, 1907.

Senate met pursuant to adjournment.

Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Cunningham.	Looney.
Faust.	Masterson.
Glasscock.	Mayfield.
Green.	Meachum.
Greer.	Murray.
Griggs.	Paulus.
Grinnan.	Senter.
Harbison.	Skinner.
Harper.	Smith.

Stokes.  
Stone.  
Terrell.

Veale.  
Watson.  
Willacy.

Absent—Excused.

Alexander.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

Pending the reading of the Journal of yesterday, on motion of Senator Hudspeth, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

#### EXCUSED.

On motion of Senator Chambers, Senator Hudspeth was excused from attendance upon the Senate for last week and Monday of this week on account of sickness in family.

#### BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 176, A bill to be entitled "An Act to amend an act of the Twenty-sixth Legislature, passed at its regular session, being Chapter CXIX of its acts, and entitled 'An Act to amend Article 5043, Chapter 6, Title CII, Revised Civil Statutes, as amended by the Twenty-fifth Legislature, in Chapter 121 of said acts, relating to inspection of live stock so as to place Randall county under the operation of such law and to remove Cochran, Cottle, Bailey, Parmer, Lamb, Crockett, Irion and Schleicher and other counties from the operation of said law,' and to provide for the appointment of an inspector of hides and animals for Zapata county."

Read first time, and referred to Committee on Stock and Stock Raising.

By Senator Terrell:

Senate bill No. 177, A bill to be entitled "An Act to amend Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith,' by adding to said law Section 18, concerning punishment for violation thereof; Section 19, with reference to venue; Section 20, with reference to the duties of district and county attorneys and the Attorney General, and Section 21, concerning fees."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell:

Senate bill No. 178, A bill to be entitled "An Act to reorganize the Fifth Judicial District of Texas and conform the Seventh and Eighth Judicial Districts thereto, and prescribing the time of holding court in the counties composing said districts and validating process."

Read first time, and referred to Committee on Judicial Districts.

By Senator Hudspeth:

Senate bill No. 179, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof within the time required by law, and providing for exceptions."

Read first time, and referred to Committee on Internal Improvements.

By Senator Grinnan (by request):

Senate bill No. 180, A bill to be entitled "An Act relating to fraternal beneficial associations and to provide who may be beneficiaries in policies issued thereby."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 181, A bill to be entitled "An Act to create a Judiciary Commission, to prepare and submit to the Thirty-first Texas Legislature drafts of constitutional amendments and bills and measures for the improvement of the judiciary system and court procedure of Texas."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 13, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 10, A bill to be entitled "An Act to amend Article 359, Chapter 4, of Title X of the Penal Code of the State of Texas, defining what constitutes

a disorderly house so as to include any house in which intoxicating liquors are sold in any county, justice's precinct, school district, city or town, or subdivision of any county in which the sale of intoxicating liquors is prohibited by law."

House bill No. 46, A bill to be entitled "An Act to amend Article 644, Title XXI, Chapter 2, Revised Civil Statutes of the State of Texas of 1895, relating to the formation of private corporations, amending the law so as to provide that women may organize and obtain charters for private corporations for the purpose of caring for and beautifying cemeteries."

House bill No. 208, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Coleman county, situated in the town of Coleman, in Coleman county, heretofore made at private sale for and in behalf of said county by J. F. Miles and W. O. Read, each in his representative capacity as commissioner, under appointment of the commissioners court of said county, by orders entered upon the minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such in consummating such sales."

House bill No. 218, A bill to be entitled "An Act to create a commission composed of the Governor, Secretary of State and Chairman of the Railroad Commission to make a thorough and complete investigation and audit by an expert public accountant or firm of such accountants of the books, papers, accounts and methods of accounting, bookkeeping and transacting business prevailing in the departments of the State Treasurer, Comptroller of Public Accounts, Commissioner of the General Land Office and such other departments as the said board shall deem advisable; and authorizing said board to adopt and prescribe and put in force any such changes in any of the methods or systems employed in any of the said departments as they shall deem advisable, and requiring the heads of any such departments to dispense with the services of any number of employes in any of the said departments when directed to do so by the said board, and making an appropriation to cover the expenses thereof."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

House bill No. 10, read and referred to Judiciary Committee No. 2.

House bill No. 46, read and referred to Judiciary Committee No. 1.

House bill No. 208, read and referred to Judiciary Committee No. 1.

House bill No. 218, read and referred to Committee on State Affairs.

## EXECUTIVE MESSAGE.

Austin, Texas, February 13, 1907.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

To be members of the State Live Stock Sanitary Commission.—J. H. Wilson, Hardeman county; R. H. Harris, Tom Green county; N. T. Wilson, Bexar county.

T. M. CAMPBELL,  
Governor.

## EXECUTIVE SESSION — TIME SET FOR.

Senator Looney moved that today at 11 o'clock be designated as the time for the Senate to hold executive session for the purpose of considering the above appointments sent in by the Governor.

The motion was unanimously adopted.

## SIMPLE RESOLUTION.

Senator Smith moved that the special order of business (Senate bill No. 65) be suspended, and the Senate take up, out of its order, a simple resolution providing for the change of Senate Rule No. 12, notice of introduction having been given on Monday.

The motion was adopted by the following vote:

Yeas—23.

Barrett.	Kellie.
Chambers.	Looney.
Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Terrell.
Harper.	Watson.
Holsey.	Willacy.
Hudspeth.	

Nays—4.

Murray.	Stone.
Stokes.	Veale.

Absent.

Brachfield.	Meachum.
Harbison.	

Absent—Excused.

Alexander.

Senator Smith then offered the following resolution:

Resolved, That Senate Rule No. 12 shall be and is hereby so amended as to read as follows:

"12. A special order shall be considered at a time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such business may be suspended by a majority vote of all the members present in order to consider a special order. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order."

The resolution was read, and

Senator Willacy offered the following amendment:

Amend by adding, "Provided that any special order shall be subject to Rule 61, providing that the order of business may be postponed or changed by two-thirds vote of all members present."

## EXECUTIVE SESSION.

The Chair here announced that the hour 11 o'clock a. m. had arrived, which hour had previously been designated for the Senate to hold executive session to consider appointments sent to the Senate by the Governor. The chamber was cleared of all who were not entitled to remain.

In executive session the following confirmations were had:

For Pilot Commissioners for Sabine Pass—W. H. Gilliland, R. D. Steele, J. A. Megethlin, J. H. Forbes, F. H. Robinson.

For Members of the State Live Stock Sanitary Commission—J. H. Wilson of Hardeman county, R. H. Harris of Tom Green county, N. T. Wilson of Bexar county.

## IN THE SENATE.

The pending business, the resolution by Senator Smith, was resumed.

The question being on Senator Willacy's amendment to the resolution, and

The amendment was adopted.

The resolution was then adopted by the following vote:

Yeas—25.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Green.	Skinner.
Harbison.	Veale.
Senter.	

Absent—Excused.

Alexander.

Senator Smith moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

#### SIMPLE RESOLUTION.

Senator Willacy offered the following resolution by unanimous consent:

Resolved, That W. A. Shaw, Jr., be appointed by the Chair to perform such service as may be assigned him by the Chair, and provided further, that the said W. A. Shaw, Jr., shall be paid the sum of \$5 per day for his services.

WILLACY,  
MEACHUM.

Senator Smith moved to refer the resolution to the special committee previously appointed for the purpose of looking into the needs of additional employes, and

Senator Chambers moved to table the motion.

Senator Harper made the point of order that the hour for resolutions had passed, and the Chair sustained the same.

#### SENATE BILL NO. 8.

The Chair laid before the Senate, on second reading,

Senate bill No. 8, Anti-Free Pass bill.

The pending question was on the amendment by Senator Grinnan, as substituted by Senator Skinner's amend-

ment, which had been adopted. (See Journal of yesterday, page 273.)

The amendment, as substituted, was adopted.

Senator Chambers offered the following amendment:

Amend Senate bill No. 8, page 6, by adding Section 11, which shall read as follows:

"Sec. 11. Provided, the provisions of this act shall not take effect until January 1, 1908."

CHAMBERS,  
HUDSPETH.

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

Yeas—13.

Barrett.	Looney.
Brachfield.	Masterson.
Cunningham.	Mayfield.
Greer.	Paulus.
Grinnan.	Smith.
Harbison.	Stokes.
Harper.	

Nays—12.

Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Stone.
Griggs.	Terrell.
Holsey.	Watson.
Kellie.	Willacy.

Absent.

Green.	Veale.
Senter.	

Absent—Excused.

Alexander.

#### PAIRED.

Senator Skinner votes "yea"; Senator Hudspeth votes "nay."

Senator Griggs offered the following amendment:

Amend the bill by striking out the last nine words in line 1, page 3, and inserting in lieu thereof the following: "While holding any public office of and within the State, either under election or by appointment."

Senator Murray offered the following amendment to the amendment:

Amend the amendment: "Also members of Congress of the United States."

The amendment to the amendment was adopted, and

The amendment, as amended, was adopted.

Senator Hudspeth offered the following amendment:

Amend the bill by adding Section 11:

"Sec. 11. That this bill shall not take effect until December 31, 1907."

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

## Yeas—15.

Barrett.	Looney.
Brachfield.	Masterson.
Cunningham.	Mayfield.
Green.	Paulus.
Greer.	Skinner.
Grinnan.	Smith.
Harbison.	Veale.
Harper.	

## Nays—13.

Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Stone.
Griggs.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

## Absent.

Senter.	Stokes.
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## Absent—Excused.

Alexander.

Senator Glasscock offered the following amendment:

Amend by inserting after the word "rates," line 11, page 2, Section 1, the following words: "All persons engaged in industrial and immigration pursuits."

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

## Yeas—21.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Green.	Paulus.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Terrell.
Holsey.	

## Nays—8.

Glasscock.	Stone.
Harbison.	Veale.
Kellie.	Watson.
Senter.	Willacy.

## Absent.

Hudspeth.

## Absent—Excused.

Alexander.

Senator Meachum offered the following amendment:

Amend Section 1, page 2, by adding after the word "families," in line 7, the following: "Nor to volunteer firemen in attending their annual conventions."

MEACHUM.  
ALEXANDER.

Senator Skinner moved to table the amendment, which motion was adopted by the following vote:

## Yeas—19.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Murray.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Terrell.
Harper.	Willacy.
Holsey.	

## Nays—10.

Faust.	Paulus.
Glasscock.	Senter.
Harbison.	Stone.
Kellie.	Veale.
Meachum.	Watson.

## Absent.

Hudspeth.

## Absent—Excused.

Alexander.

Senator Veale offered the following amendment, by request:

Amend by adding after the word "processes," in line 20, page 2, the following: "Provided further, that this act shall not apply to employees of accident or health insurance companies under written contract with common carriers to furnish employees of such companies with accident or health insurance."

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

## Yeas—26.

Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Willacy.

## Nays—4.

Hudspeth.           Veale.  
Senter.               Watson.

Absent—Excused.

Alexander.

Senator Stone offered the following amendment, which was adopted:

Amend the bill by striking out all of line 14 and the first four words in line 15, Section 7, page 5.

Senator Looney offered the following amendment, which was adopted:

Amend the printed bill, Section 7, page 5, line 13, by striking out the word "preside," and insert in lieu thereof the word "reside."

Senator Looney offered the following amendment, which was adopted:

Amend the bill, page 2, line 28, by writing between the words "stock" and "fruit" the word "poultry."

Senator Looney offered the following amendment, which was adopted:

Amend the bill by changing section numbers to conform to all amendments adopted.

Senator Stone offered the following amendment, which was adopted:

Amend the bill by striking out all between the word "State," in line 2, and the word "and," in line 4, Section 9, page 6.

Senator Green offered the following amendment, which was adopted:

Amend by adding after the word "given," on page 3, line 16, as an additional section, the following: "In any suit by any corporation mentioned in this act to restrain, annul or defeat any rate on the ground that said rate is unreasonable or confiscatory proof of the fact that such corporation has given or permitted to remain outstanding, any free pass, free transportation, frank or privilege in any form prohibited by this act after the fixing or making of such rate complained of, shall be taken as conclusive proof that the rate so fixed is not unreasonable or confiscatory."

Senator Chambers offered the following amendment:

Amend Senate bill No. 8, page 6, by adding Section 11, which shall read as follows:

"Sec. 11. Provided the provisions of this act shall not take effect until September 30, 1907."

CHAMBERS,  
HUDSPETH.

Senator Looney moved to table the amendment, which was adopted by the following vote:

## Yeas—15.

Barrett.           Looney.  
Brachfield.       Masterson.  
Cunningham.      Mayfield.  
Green.            Paulus.  
Greer.            Skinner.  
Grinnan.          Stokes.  
Harbison.         Willacy.  
Harper.

## Nays—14.

Chambers.        Meachum.  
Faust.            Murray.  
Glasscock.       Senter.  
Griggs.           Stone.  
Holsey.           Terrell.  
Hudspeth.        Veale.  
Kellie.            Watson.

Absent.

Smith.

Absent—Excused.

Alexander.

Senator Senter offered the following amendment:

Amend Senate bill No. 8, Section 1, by adding after the words "railway mail service employes," in line 22, page 2, the words, "employes of transfer and cab companies while acting in the discharge of duties relating to the business of the company issuing such transportation."

Senator Harper moved to table the amendment, which motion was adopted by the following vote:

## Yeas—20.

Barrett.           Looney.  
Brachfield.       Masterson.  
Chambers.        Mayfield.  
Cunningham.      Meachum.  
Faust.            Murray.  
Glasscock.       Paulus.  
Green.            Skinner.  
Griggs.           Smith.  
Harper.           Terrell.  
Holsey.           Willacy.

## Nays—10.

Greer.            Senter.  
Grinnan.          Stokes.  
Harbison.         Stone.  
Hudspeth.        Veale.  
Kellie.            Watson.

Absent—Excused.

Alexander.

Senator Veale offered the following amendment, which was adopted:

Amend by adding after the word "em-

ployes," in line 6, page 2, the following: "Whose names are on the pay roll of such company, or who are in good faith retained in the service of such company."

Senator Griggs offered the following amendment:

Amend the bill by adding to Section 2 the following: "Providing that nothing in this act shall be so construed as to interfere with or prohibit railroad companies from carrying out or instituting pension systems for long time service of worthy employees."

Senator Looney moved to table the amendment, which motion was adopted.

Senator Griggs offered the following amendment:

Amend the bill by adding after the word "route," line 29, page 2, the following: "Nothing in this law shall be so construed as to prohibit interchange of transportation, between railroads, for the purpose of transporting all persons entitled to same under the provisions of this act."

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

Yeas—18.

Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Grinnan.	Stokes.
Harper.	Terrell.
Holsey.	Willacy.

Nays—12.

Glasscock.	Masterson.
Greer.	Meachum.
Griggs.	Senter.
Harbison.	Stone.
Hudspeth.	Veale.
Kellie.	Watson.

Absent—Excused.

Alexander.

Senator Cunningham offered the following amendment:

Amend the bill by striking out "Section 10," printed bill.

CUNNINGHAM,  
STONE.

Senator Stone moved that the Senate take a recess until 2:30 o'clock p. m., and

Senator Griggs moved that the Senate recess until 4 o'clock today.

The motion to recess until 4 o'clock was lost by the following vote:

Yeas—7.

Brachfield.	Harbison.
Cunningham.	Kellie.
Glasscock.	Murray.
Griggs.	

Nays—23.

Barrett.	Meachum.
Chambers.	Paulus.
Faust.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Veale.
Looney.	Watson.
Masterson.	Willacy.
Mayfield.	

Absent—Excused.

Alexander.

The motion to recess until 2:30 o'clock was lost by the following vote:

Yeas—10.

Brachfield.	Holsey.
Cunningham.	Kellie.
Faust.	Murray.
Greer.	Smith.
Harbison.	Stone.

Nays—20.

Barrett.	Mayfield.
Chambers.	Meachum.
Glasscock.	Paulus.
Green.	Senter.
Griggs.	Skinner.
Grinnan.	Stokes.
Harper.	Terrell.
Hudspeth.	Veale.
Looney.	Watson.
Masterson.	Willacy.

Absent—Excused.

Alexander.

Senator Hudspeth offered the following substitute for the pending amendment to Senate bill No. 8:

Amend Senate bill No. 8 by adding Section 11, which shall read as follows:

"Sec. 11. Provided, the provisions of this act shall not take effect until September 1, 1907."

HUDSPETH,  
CHAMBERS,  
STONE.

Senator Looney made a point of order that the substance matter in the

substitute amendment had already been acted on by the Senate, and that the substitute was not germane to the amendment.

The Chair sustained the point of order, and

Senator Green moved to table the amendment, which motion was lost by the following vote:

## Yeas—13.

Barrett.	Masterson.
Brachfield.	Mayfield.
Green.	Meachum.
Grinnan.	Paulus.
Harbison.	Skinner.
Harper.	Stokes.
Looney.	

## Nays—17.

Chambers.	Murray.
Cunningham.	Senter.
Faust.	Smith.
Glasscock.	Stone.
Greer.	Terrell.
Griggs.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

## Absent—Excused.

Alexander.

The amendment by Senator Cunningham was then adopted by the following vote:

## Yeas—16.

Chambers.	Kellie.
Cunningham.	Murray.
Faust.	Senter.
Glasscock.	Stone.
Greer.	Terrell.
Griggs.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.

## Nays—14.

Barrett.	Masterson.
Brachfield.	Mayfield.
Green.	Meachum.
Grinnan.	Paulus.
Harbison.	Skinner.
Harper.	Smith.
Looney.	Stokes.

## Absent—Excused.

Alexander.

Senator Paulus offered the following amendment:

Amend Senate bill No. 8 by adding on page 6, between lines 18 and 19, the following:

"Sec. 11. Provided, that nothing in

this act shall prevent the owners or lessees of newspapers, now having advertising contracts with railroad companies, from carrying out in full said contracts, nor railroad companies from also carrying out in full said contracts."

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

## Yeas—24.

Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Holsey.	Watson.
Looney.	Willacy.

## Nays—6.

Faust.	Kellie.
Glasscock.	Paulus.
Hudspeth.	Senter.

## Absent—Excused.

Alexander.

Senator Smith offered the following amendment:

Amend the bill by inserting the following at the end of Section 1 of the bill: "The term employe within the meaning of this act shall be construed to mean and include only the following persons: The general officers, general agents, general surgeons, general physicians and general attorneys and attorneys receiving an annual salary of any such railroad, sleeping car or other chartered transportation company, or receivers thereof, in this State, and such other persons who are engaged in manual labor for any such companies, or receivers thereof, and employes engaged in management and operation of the trains and cars of any such company."

HARPER,  
SMITH.

Senator Veale moved the previous question on the amendment and bill, which, being duly seconded, was ordered.

Question being on the amendment by Senator Smith, the same was adopted by the following vote:

## Yeas—27.

Brachfield.	Faust.
Chambers.	Glasscock.



Green.	Meachum.
Greer.	Paulus.
Griggs.	Senter.
Grinnan.	Skinner.
Harbison.	Smith.
Harper.	Stokes.
Holsey.	Stone.
Hudspeth.	Terrell.
Kellie.	Veale.
Looney.	Watson.
Masterson.	Willacy.
Mayfield.	

Nays—3.

Barrett.	Murray.
Cunningham.	

Absent—Excused.

Alexander.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—30.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent—Excused.

Alexander.

Senator Looney moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

## REASONS FOR VOTING.

My reasons for voting to put Senate bill No. 8 in operation on January 1, 1908, are that I believe that if the bill goes into effect at once it will force the railway companies, if they should obey the law, to violate the thousands of contracts they now have with various parties to furnish mileage and transportation for certain considerations, thereby violating the law of contracts and making the bill unconstitutional."

TERRELL.

## PRIVILEGE MATTER.

Mr. President, the Senator from Parker, Mr. Alexander, having been called home by the death of his mother, requests me to have him recorded as present and voting for the Anti-Pass bill. A point of order having been made to this procedure as unconstitutional, I withdraw the motion.

WILLACY.

## SENATE BILL NO. 179.

On motion of Senator Hudspeth, the special order of business (Senate bill No. 65) was suspended, and the Senate took up, out of its order, Senate bill No. 179.

Senator Hudspeth moved that the Senate rule requiring committee reports to lie over for one day be suspended for the purpose of considering this bill.

The motion was adopted, and

Senator Hudspeth moved that the committee report, which provided that the bill be not printed, be adopted. (See Appendix for committee report.)

The motion was adopted.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas--27.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Harbison.	Stokes.
Paulus.	

Absent—Excused.

Alexander.

The Chair laid before the Senate, on second reading,

Senate bill No. 179 (see caption under head of Bills and Resolutions).

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be

read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Harbison. Stokes.

Absent—Excused.

Alexander.

The bill was read third time, and passed by the following vote:

Yeas—28.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Harbison. Stokes.

Absent—Excused.

Alexander.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### BILL SIGNED BY CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Senate bill No. 145, "An Act fixing

the per diem pay and mileage of members of the Legislature, and validating certificates therefor heretofore issued to members of the Thirtieth Legislature and warrants issued by the Comptroller of Public Accounts for such per diem and mileage, pursuant to such certificates."

#### ADJOURNMENT.

On motion of Senator Stone, the Senate, at 2 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

#### APPENDIX.

#### PETITIONS.

By Senator Terrell:

To Our Representatives:

We, the citizens of Morris county (postoffice, Naples), who are vitally interested in the cotton crop of Texas, earnestly petition our representatives in the House and Senate to support the Jenkins-Mayfield bill for the suppression of gambling in cotton and all other farm products, and for the regulation of the cotton exchanges of the country.

Numerously signed.

By Senator Terrell:

Atlanta, Texas, February 8, 1907.

Hon. J. M. Terrell, Austin, Texas.

Honored Sir and Friend: We, the undersigned citizens of Cass county, Texas (a part of your constituents), respectfully and urgently request you to use your utmost influence for the passage of the Mayfield bill, or some bill that will be effectual in suppressing the evil influence of gambling in cotton futures, and gambling of any kind.

Numerously signed.

By Senator Hudspeth:

We, the undersigned citizens of Medina county, Texas, beg to represent that there exists an urgent necessity for the adoption of means for the extermination of wolves and other wild animals in the western and southern portions of the State of Texas. These animals, especially the wolves, annually destroy property to the amount of thousands of dollars in these portions of the State. Not only do they depredate upon cattle, horses, sheep, goats and poultry, but they also cause injury to the truck-growers by entering the truck patches and eating watermelons and other products. Thus they injure all the impor-

tant industries of these portions of the State, and cause a great deal of damage to the inhabitants. In addition to the injury to the material industries of these sections, they become a menace to the lives of the inhabitants by reason of the wolves becoming afflicted with rabies and attacking men, women and children, so that wolves are not only destructive of property but of human lives as well.

We beg to further represent that individual effort on the part of the people, as well as concerted effort, necessarily limited, has been unable to cope with the evil, for the reason that such efforts can not cover the entire territory that so suffers. Nor are the different counties in this section able to combat this evil successfully on account of the fact that they are sparsely settled, and the income from the ad valorem taxes is not sufficient to enable the counties to pay bounties for the destruction of these wild animals.

We respectfully represent that the only means of exterminating these pests is an appropriation by the State sufficient for this purpose. For this reason, we respectfully petition the Legislature of the State of Texas to pass a measure, appropriating a sufficient sum of money for the payment of bounties for the killing of these animals.

By Senator Glasscock:  
Round Rock, Texas,  
February 12, 1907.

Hon. G. W. Glasscock, Austin, Texas.

Dear Sir: We, the citizens of Williamson county (postoffice, Round Rock), who are vitally interested in the cotton crop of Texas, earnestly petition our representatives in the House and Senate to support the Jenkins-Mayfield bill for the suppression of gambling in cotton and all other farm products, and for the regulation of cotton exchanges of the country.

By Senator Greer:  
Winnsboro, Texas, February 8, 1907.

Whereas, The little city of Winnsboro, Texas, witnessed within its borders on last Saturday, February 2d, a most horrible tragedy, in which two of our officers and one citizen lost their lives and another citizen was mortally wounded and innocent women and little children were thereby made widows and orphans, and

Whereas, Said tragedy was the result of selling illegally intoxicating liquors

in this city in violation of our local option law, and

Whereas, There is now no adequate law for enforcing the rights of the citizens given them by the Constitution of prohibiting the sale of intoxicating liquors by their votes; now, therefore, we, the undersigned citizens of Winnsboro, Texas, most urgently urge our Senator, the Hon. W. J. Greer, and our Representative, the Hon. W. R. Blalock, to vote for and support Senate bill No. 53, known as Senator Looney's Search and Seizure bill.

(Signed) John Holland, pastor Baptist church; J. W. Law, ex-sheriff; J. W. McCaleb, S. T. Nelson, R. E. Sage, W. W. Reid, R. R. Alvis, R. P. Knight, B. F. Campbell, J. T. Connell, M. D.; M. D. Carlock, attorney; R. B. Howell, mayor; W. A. Nabors, attorney; W. D. Suiter, editor; R. C. Campbell, manager waterworks; Chas. Dabney, manager oil mill; J. T. Hogue, farmer; W. W. Douglass; T. S. Steed, grocer; Manton H. Jones, vice president First National Bank.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, February 13, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred House Concurrent Resolution No. 6, as follows:

Be it resolved by the House of Representatives, the Senate concurring, That there be printed for the use of the House and Senate three hundred copies of the Texas Legislative Manual, which shall contain the Rules of the Senate and the Joint Rules of the Senate and House, all of which shall be properly indexed; a list of the standing committees of the two houses, the names of the Senators and Representatives and their respective districts.

It is further provided that the Manual shall contain a diagram of the House with the names of the members printed in the place of their respective desks, the names of the officers of the House and Senate, and of the representatives of the press in attendance, the Constitution of this State and the United States, and the Committee on Rules of the House, acting with the Senate Committee on Rules, is hereby authorized and instructed to have copies bound and printed as follows, to wit: Two hundred and fifty copies to be bound in flexible

Morocco covers at an extra cost of not exceeding 25 cents per copy above the cost of the same books in flexible cloth, according to the specifications of the contract with the public printer.

Provided further, that the name of each member of the House and Senate be embossed upon the back of one copy of said book of rules, said copy to be the property of the member who is to have his name upon said copy. Three-fourths of such copies of each binding shall be for the use of the House and one-fourth for the use of the Senate, and they shall be paid for out of the contingent funds of the two Houses, in the said proportion, provided, that the public printer shall not be paid for compensation but one time. The said bound volume be in the hands of the members of this House and the Senate within thirty days from the passage of this resolution,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Strike from the resolution the following portion thereof, "the Manual shall contain a diagram of the House with the names of members printed in the place of their respective desks."

SMITH, Chairman.

Committee Room,

Austin, Texas, February 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 12, To amend Section 51 of Article 3 of the Constitution of the State of Texas, as amended in 1903, so as to authorize the grant of aid in the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and making an appropriation,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room.

Austin, Texas, February 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 9, Joint

Resolution to amend Article XVI of the State Constitution by adding thereto Section 58 to establish a department to the State government on Agriculture, Horticulture and Live Stock, and to further authorize the Legislature to add such other departments to the State government as may be deemed necessary by a two-thirds vote of the Legislature,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend by striking out all of Section 1 occurring therein after the word "stock."

HARPER, Chairman.

Committee Room,

Austin, Texas, February 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

House Joint Resolution No. 7, Joint Resolution amending Section 3, Article 7 of the Constitution of the State of Texas, increasing the amount of tax that may be voted on school districts and providing for a majority vote of the property tax paying voters of such district to vote such tax,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend page 2, line 10, by adding after the word "erection" the following, "and equipment."

HARPER, Chairman.

Committee Room,

Austin, Texas, February 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 2, Joint Resolution to amend the Constitution of the State of Texas, fixing the term of office for all State, district, county, precinct and all other officers from four to eight years, making all officers ineligible to succeed themselves except judges of the Supreme court, Court of Criminal and Civil Appeals, the Senators and Representatives of the Legislature,

Have had the same under consideration, and I am instructed to report same

back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the resolution by striking out the word "eight," in line 5 of Section 1, and insert in lieu thereof the word "six," and by striking out all after the word "qualification," in lines 5 and 6, and the last word in line 7, and insert in lieu thereof the following: "And no member thereof shall be a candidate for, or eligible for election to, any other office within this State while a member of said Railroad Commission.

HARPER, Chairman.

Committee Room,  
Austin, Texas, February 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 6, Joint Resolution to amend Sections 1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, Article 5, of the Constitution of the State of Texas,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,  
Austin, Texas, February 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 43, A bill to be entitled "An Act to abolish the office of district attorney for the Thirty-seventh Judicial District of Texas at the expiration of the present incumbent,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,  
Austin, Texas, February 13, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act on the subject of private corporations, defining and prohibiting insolvent corporations, domestic and foreign, from doing business in this State; providing for quo warranto or

other appropriate judicial proceedings to have the charter or permit of such insolvent corporations forfeited or canceled, as the case may be, and also providing for the cancellation of all stocks and bonds issued by any corporation for purposes other than for money paid to, labor done for or property received by said corporation,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, but that the following substitute do pass in lieu thereof:

A bill to be entitled "An Act on the subject of private corporations, prohibiting insolvent corporations, domestic and foreign, from doing business in this State; providing for quo warranto or other appropriate judicial proceedings to have the charter or permit of such insolvent corporations forfeited or canceled, as the case may be, and also providing for the cancellation of all stocks and bonds issued by any corporation for purposes other than for money paid to, labor done for or property received by said corporation."

BRACHFIELD, Chairman.

C. S. for S. B. No. 10. By Committee.

#### A BILL

#### To Be Entitled

An Act on the subject of private corporations, prohibiting insolvent corporations, domestic and foreign, from doing business in this State; providing for quo warranto or other appropriate judicial proceedings to have the charter or permit of such insolvent corporations forfeited or canceled, as the case may be, and also providing for the cancellation of all stocks and bonds issued by any corporation for purposes other than for money paid to, labor done for or property received by said corporation.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any insolvent corporation, domestic or foreign, to do business in this State, or to exercise or retain any franchise or permit or charter granted from or by the State.

Sec. 2. It is hereby made the duty of the Attorney General of this State, when convinced that any corporation is insolvent, to institute quo warranto or other appropriate proceedings in some court of competent jurisdiction, either in Travis county or in any other county

in which said corporation may be sued, or forfeit its charter, if a domestic corporation, and to cancel its permit, if a foreign corporation.

It shall be the duty of the several district and county attorneys of this State to bring and prosecute the proceedings mentioned above whenever directed so to do by the Attorney General of Texas; and the court trying said cause, after the corporation has been shown to be insolvent, may in its discretion appoint a receiver or receivers for said corporation, and all its properties, with full power to settle the affairs, collect its outstanding debts and divide the moneys and other properties belonging to said company among the stockholders thereof, after paying the debts due and owing by such corporation and all expenses incident to the judicial proceedings and receivership; and the court may continue the existence of such corporation for three years, and for such further reasonable time as may be necessary to accomplish the objects and purposes of this act.

Sec. 3. Where any corporation has issued and has outstanding any stocks or bonds given or issued for any purpose, other than money paid to, labor done for or property actually received by the corporation, it shall be the duty of the Attorney General of this State, when convinced that the facts exist which authorize the action, to institute quo warranto or other appropriate judicial proceedings in some court of competent jurisdiction, in Travis county or in any other county of this State where such corporation may be sued, to have any such stocks or bonds issued in violation of the Constitution and statutes of this State canceled, expunged and held for naught; and within the meaning of the above is included any bond or stock given in renewal or in lieu of any originally issued for purposes other than those mentioned above, also any issued by any corporation with which the corporation, originally issuing any such, has merged or been consolidated and given by said issuing corporation, in the place of those originally issued for purposes other than as mentioned above.

Sec. 4. If any suit authorized by Section 3 of this act has been instituted the same shall be dismissed at the cost of the defendant, or, if not instituted, the same shall not be begun, if the defendant corporation through its stockholders shall pay off its indebtedness or reduce the same by paying, so that it is relieved of insolvency; and if any

suit authorized under Section 4 of this act has been instituted, the same shall be dismissed at the cost of the defendant, or, if not instituted, no action shall be brought, if the defendant corporation shall surrender or cause to be surrendered to the court or to the Railroad Commission of Texas for destruction all such illegal stocks complained of, and also the illegal bonds complained of, with power and legal releases thereof suitably executed for record with such other written evidences and documents necessary to show stocks or bonds are no longer outstanding against the corporation.

Sec. 5. Stockholders of any insolvent corporation, who own 25 per cent of its stock, or creditors of any such insolvent corporation who own 25 per cent of its indebtedness, may institute and prosecute a suit for the dissolution of such corporation; provided, that before any petition is filed by either the Attorney General or under his authority, or by stockholders or creditors, as provided in this act, leave therefor shall be first granted by the presiding judge of the court in which the proceeding is to be instituted, and on presentation of any petition it shall be the duty of such judge, before granting leave to file same, to carefully examine the same, and he may also require an examination into the facts, and it shall be made to appear with reasonable certainty from said petition, or from the petition and the facts, as the case may be, that the relief sought should be granted; and it is further provided, that any such corporation proceeded against shall have ten full days' notice prior to the day set for the hearing on an application for the appointment of a receiver.

Sec. 6. The crowded condition of the calendar of both houses, and the need of such a law as proposed by this bill, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and the same is so enacted.

(Floor Report.)

Committee Room,  
Austin, Texas, February 13, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred Senate bill No. 179, A bill to be en-

titled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law, and providing for exceptions,"

Have had the same under consideration, and beg to recommend it back to the Senate with the recommendation that it do pass, but be not printed.

Brachfield, Chairman; Willacy, Murray, Looney, Faust, Green, Holsey, Skinner, Chambers, Mayfield.

Committee Room,

Austin, Texas, February 13, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act to provide for acquiring by purchase or condemnation about fourteen acres of ground, being a part of and adjoining the San Jacinto battle ground, and fronting upon the navigable waters of Buffalo Bayou or San Jacinto Bay, and providing for fencing, beautifying and improving the lands of San Jacinto battlefield, now owned or hereafter acquired by the State of Texas, the same to be designated by name as "San Jacinto State Park," making an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

Griggs, Chairman; Glasscock, Barrett, Faust, Harper, Chambers, Willacy.

Committee Room,

Austin, Texas, February 13, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 21, "An Act to amend Article 1442 of Title XXX, Chapter 20, of the Revised Civil Statutes of Texas, pertaining to giving security for costs."

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 1442 of Title

30, Chapter 20, of the Revised Civil Statutes of Texas be and the same is hereby amended so as to hereafter read as follows:

Article 1442. A party who is required to give security for costs may file with the clerk or justice of the peace an affidavit that he is too poor to pay the costs of court and is unable to give security therefor, and it shall thereupon be the duty of the clerk or justice of the peace to issue process and to perform all other services required of him in the same manner as if the security had been given; provided, any party to the suit, the clerk or justice of the peace, shall have the right to contest by proof the inability of the party to pay the costs or his inability to give security for the same; or in lieu of such bond, the party required to give the same may deposit with the clerk of the court or with the justice of the peace such amount of money as the court or justice of the peace from time to time may designate as sufficient to pay the costs that have accrued. Provided, that said contest may be tried before the trial of the cause, at such time as may be designated by the court. Provided, that notice of such contest shall be given by noting it on the docket at the term of the court at which the affidavit of inability to give security is filed.

And find the same correctly enrolled, and have this day at 11:30 a. m., presented the same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,

Austin, Texas, February 13, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 179, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law, and providing for exceptions, with emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.